



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, OLC, FFT  
                             OPC, FFL

### Introduction

This teleconference hearing was scheduled in response to an application by both parties under the *Residential Tenancy Act* (the “*Act*”). The Tenant applied to cancel a One Month Notice to End Tenancy for Cause (the “One Month Notice”), for an Order for the Landlord to comply with the *Act*, *Residential Tenancy Regulation* and/or tenancy agreement, and for the recovery of the filing fee paid for the Application for Dispute Resolution. The Landlord applied for an Order of Possession based on a One Month Notice, and for the recovery of the filing fee paid for the Application for Dispute Resolution.

An agent for the Landlord (the “Landlord”) was present for the teleconference hearing, as were two representatives for the estate of the Tenant who had recently passed away. The parties were affirmed to be truthful in their testimony.

The parties confirmed that the Notice of Dispute Resolution Proceeding packages for each application, along with copies of each party’s evidence was served on the other party as required. Neither party brought up any concerns regarding service. Therefore, I find that both parties were duly served in accordance with Sections 88 and 89 of the *Act*.

### Preliminary Matters

Prior to the scheduled hearing, the Tenant passed away. Two representatives for the Tenant’s estate attended the hearing and confirmed that they were the executors of the estate. As such, the Application for Dispute Resolution was amended to name the

parties as representatives of the Tenant's estate. This amendment was made pursuant to Section 64(3)(c) of the *Act*.

### Settlement Agreement

Pursuant to Section 63 of the *Act*, the parties may be provided the opportunity to settle their dispute and for this settlement to be recorded in the form of a decision and/or order. During the hearing the parties came to the following settlement agreement:

1. The representatives of the estate of the Tenant will return possession of the rental unit to the Landlord no later than November 30, 2018 at 1:00 pm.
2. In order to uphold this settlement agreement, the Landlord will be granted an Order of Possession, effective on November 30, 2018 at 1:00 pm.

The parties confirmed that they were entering into this settlement agreement voluntarily and also confirmed their understanding of the full and binding nature of a settlement agreement.

### Conclusion

The parties are ordered to follow the Settlement Agreement as outlined above. As part of the agreement, I grant an Order of Possession to the Landlord effective **on November 30, 2018 at 1:00 pm**. Should the representatives of the estate of the Tenant fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 27, 2018

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Residential Tenancy Branch